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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Broadening Reissue Application of

Osamu TANITSU et al.

Group Art Unit: 2851

Application No.: 09/326,214

Examiner: A. Mathews

Filed: June 3, 1999

Docket No.: 103512.99

For: ILLUMINATION OPTICAL APPARATUS AND SCANNING EXPOSURE
APPARATUS

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants received a Notice of Non-Compliant Amendment dated March 3, 2005.

The Notice asserts that the Amendment filed on February 11, 2005 is non-compliant with 37 C.F.R. §1.121 because "[a] complete listing of all the claims is not present." Applicants respectfully submit that the Notice was issued in error.

The present application is a reissue application, and therefore the requirements of 37 C.F.R. §1.121 do not apply to this application. In particular, 37 C.F.R. §1.121(a) specifically indicates that it applies to "*amendments in applications, other than reissue applications.*" In addition, 37 C.F.R. §1.121(i) indicates that "any amendment to the description and claims in reissue applications must be made in accordance with §1.173." Accordingly, the Notice is in error because the requirements of 37 C.F.R. §1.121 do not apply to reissue applications, such as the present application.

In addition, 37 C.F.R. §1.173(b)(2) indicates that for amendments to the claims "[a]n amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper." There is no requirement that all claims be reproduced.

Withdrawal of the Notice of Non-Compliant Amendment is requested. The appropriate Patent Office official is invited to contact Applicants' undersigned attorney at the telephone number listed below if there are any questions or if anything further is desired.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/ccs

Date: March 9, 2005

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